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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,520

01/29/2004

Charles Robert Kalmanek JR.

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AT & T Legal Department - WS

Attn: Patent Docketing

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Bedminster, NJ 07921

EXAMINER

WONG, BLANCHE

ART UNIT

PAPER NUMBER

2476

MAIL DATE

DELIVERY MODE

11/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/767,520	Applicant(s) KALMANEK ET AL.	
	Examiner BLANCHE WONG	Art Unit 2476	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 19-22 are objected to because of the following informalities:

Examiner suggests removing the term "local" from "the local non-broadcast multiple access interface" in lines 5 and 8, in consistent with the claim language in the preamble.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 19-22** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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With regard to the amendment in the preamble using the term "non-broadcast multiple access" or "NBMA", Examiner finds the term non-descriptive in light of the Specification. That is, an NBMA network can be any type of network of routers connected together. Accordingly, the non-broadcast feature serves no special purpose because it is not used in the body of the claims. Additionally, Specification, p.3, first introduces the term "NBMA" in relation to Next Hop Resolution Protocol (NHRP). NHRP is also not mentioned in the claim limitations. Thus, it is unclear what enables NBMA or what NMBA enables.

Secondly, Examiner finds enabling details of the inventive concept not included in the claims. Specification, p.5, lines 2-3, discloses the invention achieves objectives due to its architecture "where many of the layer 3 routers are attached to a common connection-oriented layer 2 subnetwork" and lines 9-10, discloses "[t]he routers can further take advantage of both intra-area and inter-area shortcuts through the layer 2 network to improve network performance". If Applicants is referring to layer 2 and 3 networking, subnetworks, and/or intra-area and inter-area, these limitations are not recited in the claims. Additionally, Specification, p.7, line 11, discloses "a single NBMA virtual circuit (shortcut), and later, p. 8 onward, discloses the usage of virtual circuitry and shortcut. Claim limitations do not recite any virtual circuits or shortcut. Specification, p. 12, line 18, discloses SNMP. If Applicants are trying to claim SNMP, it is a concept that is well known in the art.

Lastly, Examiner finds one and two networks. Specification, p.7 and Fig. 1, discloses an NBMA network 110 where routers R1-R6 are connected together. There is

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one network. Fig. 1 does not disclose “a communication network of a plurality of routers” separate from “at least one connection-oriented NBMA network”. Claim language recites two networks: “the communication network of a plurality of routers” and “the at least one connection-oriented NBMA network”.

5. **Claims 19-22** are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

As explained above, claimed invention is unclear whether it is supported by layer 2 and 3 networking, subnetworks, intra-area and inter-area, virtual circuitry and shortcut protocol such as OSPF, and/or SNMP.

Claims 19-22 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLANCHE WONG whose telephone number is (571)272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blanche Wong/
Examiner, Art Unit 2476
November